

**TOWN COUNCIL
SPECIAL MEETING
SEPTEMBER 11, 2000**

The meeting was called to order at 5:30 p.m. Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox (arrived at 5:31 p.m.) and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

1. PUBLIC HEARING

Ordinances - First Reading (Public Hearing to be held on September 20, 2000)

1.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2001.

Budget and Finance Director Christopher Wallace stated that much of the budget had been cut and he summarized the discussion from the last budget meeting regarding the property taxes and fire rescue fee. He indicated that Mr. Willi had met with departments and the proposed hires would be staggered. The budget was being presented in its recommended form, predicated on a fire rescue fee of \$38 per residential dwelling unit and a property tax rate of 5.224 mills. A number of budget improvements had been added: the hiring of three fire inspectors through fire permit fees, one fire prevention supervisor paid through fire permit fees, an EMS clerk typist, 16 police officers, five public service aide special assignments, three public service aides for records, two planners, two Code compliance inspectors, one engineer II paid for by engineering fees, one clerk typist for the Town Administrator's office, one secretary for the Town Administrator's office, one personnel analyst for Human Resources, one deputy building official, one permit clerk for occupational licensing, two Building inspectors, one clerk typist for Engineering, two recreation leaders for Police, one maintenance technician I for Police, three Fire captains and \$80,000 for upgrades to positions throughout the town.

Mayor Venis inquired whether more monies were found to keep the assessment and millage rate at the current amount. Mr. Wallace explained that there was a \$.06 increase in the assessment and a .11 millage increase. Mayor Venis confirmed that \$376,000 would be needed to balance the budget at the constant rate. Councilmember Paul asked what the assessment increase would be for commercial/industrial and requested documentation for comparison. Mr. Wallace informed Council that the burden was being shifted from residential to commercial/industrial and non-residential uses.

Mayor Venis opened the meeting for public comments.

Norm Blanco, representing the Association of Nova Drive, expressed concern regarding Nova Drive being over capacity and requested that the Town set aside monies to study the problem, without the intention of widening the roadway. He also questioned what would happen if the grant money allocated for police officers ran out.

Cindy Osborne pointed out that Council had stated the EMS fees would decrease every year, which did for a couple of years, but now there would be a tremendous increase for commercial. She further commented regarding the building on two properties and the owner having to pay a huge difference in building costs due to the western theme requirements and EMS fees. Ms. Osborne said that she would have to pass the increase on to her tenants, who may move out, creating vacant buildings which would then depreciate causing the Town to lose on EMS and millage revenues due to reduced valuation of the properties.

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Rose Anderson confirmed that the residents would stay at the same amount for the assessment fee. She stated that the EMS fees should be more fair.

Terry Santini, 4001 SW 108 Terrace, advised Council that she had commercial property in Davie and her assessment fees went from \$684 to \$1,725, a 150% increase. She believed Council had allowed the costs to get out of hand and there was no reason to levy the costs being considered against any property. Ms. Santini called on Mayor Venis to bring the budget back under control.

Roger Johnson, Park City, commented that he had improved the mobile home on his property and the fee would go up to \$60.

Mark Farmer, 4060 SW 58 Terrace, remarked that he was notified the EMS fee would be \$120 for his duplex and asked if the duplex was considered commercial or residential. Mayor Venis confirmed that the fee would remain the same. Mr. Farmer believed the assessment should be included with the property taxes. Councilmember Cox pointed out that the assessment to Mr. Farmer's duplex would be \$38 times two. She also explained that one of the reasons for an assessment, as opposed to a property tax, would be to have the university complex help pay some of the cost of the EMS service.

Vice-Mayor Weiner asked about the ability to levy against the public education complexes. Mr. Wallace stated that only Nova Southeastern University could be obligated to pay and they were basically exempt from property taxes, except for a small portion of their buildings.

Jeff Murphy spoke on behalf of Family Central and their yearly request for matching funds from the Town.

Councilmember Paul asked Mr. Wallace if each organization had funding in the budget who had requested last year at last year's rate. Mr. Wallace indicated that there was \$105,000 for donations.

Tom Truex requested that the millage rate and EMS fees not be increased. He expressed concern regarding costs of pending and potential future litigation, water for the residents, more space needed at Town Hall, park bond cost overruns and maintenance of the facilities, costs associated with firing personnel, and questionable management tactics of the Interim Town Administrator including hiring without advertising, and new zoning categories. He disputed Mayor Venis' statement that taxes had not been raised in the last several years citing property value increases, debt service for bonds, and the Broward County gas tax.

Mayor Venis closed the public hearing.

Mayor Venis stated his position was to see the same operating millage rate and EMS assessment. He discussed his previous thoughts about cuts in special projects, questions in public works categories, and maintenance charges. Mayor Venis indicated that a supplemental budget was not done last year to account for new hires and suggested that if the contingency fund was reduced to \$700,000, the budget could be balanced.

Councilmember Paul questioned the impact fee reserve. Mr. Wallace explained that the reserve was just a figure to balance the revenues received for impact fees.

Mayor Venis encouraged the budget to be reviewed again to adjust maintenance charges and other categories to balance the budget with the contingency. He stated that the millage rate would then remain constant.

Mr. Wallace discussed the necessity of a UT maintenance charge increase, which may be underfunded, and depreciation reserves that would have to be paid for. He further

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observed that there would be a \$200,000 annual ongoing expenditure for police take-home vehicles. Mayor Venis once again encouraged that the contingency be cut, to which Mr. Wallace responded that the contingency was about 1.5% of the budget and that last year's contingency was wiped out as a result of hiring 12 new firefighters. Mr. Wallace recommended that the contingency reserves not be used to balance the budget and advised that the spending reserves/undesignated balance decreased by 60% last year. Mayor Venis pointed out that even with the budget cuts, the Town had been able to retain funds for the new hires. He also mentioned increased health insurance costs.

Councilmember Paul asked about the EMS increase. Mr. Wallace explained that the court determined that rescue calls could not be assessed and the data suggested that the burden was borne mostly by commercial and industrial properties. Councilmember Paul questioned what the total revenues may be, broken down by residential and commercial/industrial categories. Mr. Wallace did not know the exact figure, but estimated \$1.3 to \$1.4 million. Councilmember Paul stated she was looking for the difference between the proposed assessment rate and an increased millage rate.

Councilmember Clark asked about the organizational charts. Mr. Wallace indicated that the departments would have to go through the charts and update them due to budget changes. Councilmember Clark stated that she was confused regarding differences in the memoranda and organizational charts. Mr. Willi responded that the departments could not update their charts until they had direction on the budget. Councilmember Clark discussed the hiring of new firefighters and the reserve med unit and asked if those were budgeted. Mr. Wallace responded negatively and advised that the financing of those costs would have to be discussed. Councilmember Clark expressed concern about raising the rates as high as were being considered.

Vice-Mayor Weiner mentioned that the Town was discussing providing services to Southwest Ranches and Pine Island Ridge which would add additional revenues. The negotiations with Southwest Ranches were in the final stages of settling on a number for the contract services and that a meeting had been held with Broward County regarding assuming fire services for Pine Island Ridge, which would bring in an additional \$600,000 next year. Mayor Venis additionally advised that discussions were being held with the Seminole community to provide EMS services.

Councilmember Cox asked Mr. Wallace about the revenue requirements of \$1.596 million for EMS. Mr. Wallace explained that the amount was predicated on the total assessment. Councilmember Cox urged the public to ask why Council was struggling with the budget and an EMS assessment when higher property assessments were taken into consideration, as well as the new residential building, and further asked where all that tax revenue was going. She disagreed with Mayor Venis that the budget should be balanced with the contingency fund, which would cause a serious problem if there was a hurricane or catastrophe and there was no money available to help the residents. The budget should be balanced through the increased revenue the Town had generated due to good development. Councilmember Cox further stressed her belief that the reason there was a struggle to balance the budget was because there were four Council members who continued to write checks to the Fire Department and did not question what they were doing. She further stated that the Town gave away \$1.5 million in free fire services from the County this year because the Davie fire union did not want to work with the Broward County Fire Union. Keeping the contract would have eliminated the need for an assessment. Councilmember

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Cox mentioned the cost of firing the Town Administrator, purchasing ambulances without bidding and stated that Council had been financially irresponsible. She admonished the public to be careful when voting in the next election as to who was supporting what candidate and, due to the last election, the public was having to pay more taxes instead of rolling them back, which was what should be happening.

Councilmember Paul subsequently stated that what Council was doing with the Fire Department was what a large number of residents had requested. It was not a question of their struggling, it was a question of Council doing what it felt was best for the community. She commented that the original budget included a lot of duplication and a plan for a five year period. Mayor Venis agreed and specified that he had made statements regarding overages of the previous years, and that the contingency fund was only a part of his comments. The Town was hiring its own personnel and purchasing equipment in-house for the same residential assessment rate as when the County was involved.

Vice-Mayor Weiner recommended that the public go on the Internet to find out about the prior ambulance company and take a look at what the unincorporated areas were being charged for services next year.

Councilmember Clark said that she applauded the previous Council for doing away with the joint powers agreement. She advised that she was not ashamed to support the Fire or Police departments. She disagreed with Councilmember Cox's prior comments, stating it was never the intention to keep the County on forever.

Councilmember Cox discussed the previous contract with the County and further explained the original purpose of the joint powers agreement. The original plan was to bring the Town's Fire Department on line; however, continuing the contract with the County for another six months as planned would have saved the Town \$1.5 million.

Councilmember Paul responded that this "vision and understanding" was what enabled the Town to offer services to Southwest Ranches and Pine Island, putting the Town in a position to expand. She asked about the expenditure of emergency monies being recovered through governmental funds, such as FEMA. Mr. Wallace indicated that reimbursement was made for most of the hurricane expenses, but there was a delay in reimbursement of one to two years and expenses need to be covered in the interim. Councilmember Paul said that the departments should start working on the budget earlier.

Vice-Mayor Weiner discussed prior workshops and issues that could be addressed next year or in a supplementary budget.

Acting Town Clerk McDaniel read the ordinance by title.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve at the current millage rate with direction to Mr. Willi and Mr. Wallace to work with Mayor Venis to get the budget down to that millage. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - yes. (Motion carried 4-1)

Mayor Venis advised that Council had tentatively adopted the millage rate of 5.1086 mills which was 6% more than the rollback of 4.831. Property taxes would increase 6% and the next budget meeting adopting the final tax rate was scheduled for September 20th at 7:00 p.m.

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Resolution

1.2
R-2000-15 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2000; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the resolution by title.

Vice-Mayor Weiner asked Mr. Wallace to prepare a breakdown of alternatives by category for next year.

Councilmember Paul stated she wanted to keep all rates the same. Mr. Wallace advised that there was no mathematical way to legally do that due to a court ruling. He indicated that if commercial rates were lowered to what it was last year, residential rates would have to drop below what it currently was. Mr. Wallace indicated that approximately \$379,000 would be lost. He added that the cost of fire rescue had increased substantially and a stabilized level needed to be reached. Mr. Wallace indicated that if the commercial property was impacted, the smaller business would bear more of the burden.

Vice-Mayor Weiner made a motion to approve as revised by Mr. Wallace and Mr. Willi, keeping the residential rate at \$37.94.

Councilmember Clark asked how much the residential rate would be impacted if the rate was lowered for commercial. Mr. Wallace replied, in that event, expenditures would need to be lowered also and indicated that the commercial burden could not be shifted to residential. Councilmember Clark continued to question total dollar amounts assessed for commercial properties.

Councilmember Paul asked for clarification why residential rates had to be lowered if commercial rates were lowered. Mr. Wallace explained the mechanics of assessments and that the assessment had to be fair in all categories. Proportions could not be changed due to the court ruling.

Mayor Venis requested that Mr. Wallace return to Council at the second public hearing with a scenario of a smaller increase than what was being presented. It was Mr. Wallace's understanding that this item was a resolution and had to either be adopted or tabled. Mayor Venis suggested tabling the matter until September 20th. Vice-Mayor Weiner maintained that a rate needed to be approved to fund the programs and the issue needed to be decided.

Vice-Mayor Weiner restated his motion.

Councilmember Paul asked Mr. Kiar if the Town was legally responsible to place another ad in the paper if staff was working on lowering the rate, to which he responded to in the affirmative.

Councilmember Cox told Council it should have thought about all of this previously when the EMS situation came about six months ago. She reiterated that the EMS assessment was unfair. Vice-Mayor Weiner agreed.

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Edna Moore asked how much the recreation budget and horse trails went up and if money could be taken out of that for the EMS. Vice-Mayor Weiner responded in the negative.

Councilmember Paul seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - yes. (Motion carried 4-1)

2. RESOLUTION

2.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN COUNCIL TO EXECUTE AN AGREEMENT FOR THE APPOINTMENT OF KENNETH S. COHEN AS THE ASSISTANT TOWN ADMINISTRATOR; AND PROVIDING AN EFFECTIVE DATE.

Mayor Venis asked that Mr. Willi advertise the position and that more resumes be looked at before hiring Mr. Cohen. Mr. Willi indicated he had no problem with advertising the position; however, he was biased towards Mr. Cohen but he would advertise the position for a week.

Councilmember Cox objected very strongly to hiring someone and providing a contract for a position that was never advertised.

Vice-Mayor Weiner mentioned that he had spoken with Mr. Cohen at length and was impressed by his knowledge and experience. He hoped that Mr. Cohen would be hired. After reviewing the Charter, Vice-Mayor Weiner indicated that Mr. Willi had the authority to hire department heads, and Council could give recommendations and direction, but not make those decisions. Councilmember Cox added that if Council did not like what the Town Administrator did, he could be fired.

Item 2.1 was then withdrawn.

There being no objections or further business, the meeting was adjourned at 7:05 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk